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UNITED STATES  
DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

MERRILL LYNCH BUSINESS  
FINANCIAL SERVICES INC.,

Plaintiff,

vs.

ARTHUR KUPPERMAN, E. ROSS  
BROWNE, PAULETTE KRELMAN  
and PGB INTERNATIONAL, LLC,

Defendants.

06 Civ. 11802 (DMC)

**ORDER TO SHOW CAUSE WITH  
TEMPORARY RESTRAINTS AND OTHER  
RELIEF**

**THIS MATTER** having been opened to the Court by Bressler, Amery & Ross, P.C., attorneys for Plaintiff, for an Order to Show Cause With Temporary Restraints, and the Court having considered the Verified Complaint, the Exhibits, the Brief and other papers submitted therewith, and it appearing that there is a probability that final judgment will be rendered in favor of plaintiffs in the amount of at least \$4,139,146.78, and it further appearing that there are statutory grounds for issuance of Writs of Attachment, and it further appearing that there is property of defendants at specific locations in the State of New Jersey which is subject to attachment, and it further appearing that irreparable injury may result unless the relief requested is granted; and other good cause having been shown,

IT IS on this 6 day of October, 2006 **ORDERED** as follows:

1. **ORDER TO SHOW CAUSE:** Defendants Arthur Kupperman, Paulette Kupperman, E. Ross Browne, and PGB International, LLC ("Defendants") are ordered to show cause before The Honorable **Dennis M. Cavanaugh** ~~U.S. District Judge~~ United States District Court Judge at Courtroom 4 at the United States Courthouse, 50 Walnut Street, Newark, New Jersey on October 31, 2006, at 10 A.m.

A. Why Defendants, their agents, employees, and persons or entities in active concert or participation with them should not remain enjoined pending trial from:

- (1) Selling, transferring, encumbering, hypothecating, or otherwise alienating or impairing their interests in certain real property located at 27 Waterford Drive, Montville, New Jersey, 123 Madison Avenue, Madison, New Jersey; 107 East Shore Drive, Vernon, New York, 43 Hampshire Drive, Mendham, New Jersey, interests in PGB International, LLC, PITTRA G.B. International, Inc. or any other real property or personal property wherever situated in which they have any interests, whether said interests be equitable or legal in nature;
- (2) Withdrawing, transferring, spending, encumbering, hypothecating, or otherwise alienating, removing or impairing their interests in any checking, savings, investment, or other banking or security accounts held in their name, either

individually or with others, which are maintained anywhere, including but not limited to the accounts maintained at PNC Bank, Wachovia Bank, Smith Barney, Commerce Bank, Dean Witter, JP Morgan, Chase and Phoenix Insurance.

**B. Why Writs of Attachment should not continue against the following property:**

**(1) Defendant E. Ross Browne's interests in the following:**

- (a) Real property located at 27 Waterford Drive, Montville, New Jersey;**
- (b) Real property located at 123 Madison Avenue, Madison, New Jersey;**
- (c) Real property located at 107 East Shore Drive, Vernon, New York;**
- (d) The cash balances on any and all life insurance policies issued by Phoenix Insurance;**
- (e) Any and all bank accounts, including any maintained at PNC Bank;**
- (f) Any and all rental income from 123 Madison Avenue, Madison, New Jersey;**
- (g) Any and all interests in PGB, LLC; and**
- (h) Any stock interests in PITTRA G.B. International, LLC.**

**(2) Defendant Paulette Krelman's interests in the following:**

- (a) Any and all bank accounts, including any maintained at Wachovia Bank;
  - (b) Any and all accounts maintained at Smith Barney;
  - (c) Any and all accounts maintained at Commerce Bank;
  - (d) Any and all accounts maintained at Dean Witter;
  - (e) Any and all interests in PGB, LLC;
  - (f) Real property located at 43 Hampshire Drive, Mendham, New Jersey; and
  - (g) Any stock interests in PITTRA G.B. International, LLC.
- (3) Defendant Arthur Kupperman's interests in the following:
- (a) Any and all interests in PGB, LLC;
  - (b) Any and all bank accounts, including any maintained at JP Morgan Chase Bank;
  - (c) Real property located at 43 Hampshire Drive, Mendham, New Jersey; and
  - (d) Any stock interests in PITTRA G.B. International, LLC.
- (4) Defendant PGB International, LLC's interests in the following:
- (a) All personal property maintained at 6 South Street, Suite 301, Morristown, New Jersey, or 123 Madison Avenue, Madison, NJ; and

- (b) Any and all bank accounts, including any maintained at JP Morgan Chase Bank.

2. **WRITS OF ATTACHMENT.** IT IS FURTHER ORDERED that Writs Of Attachment immediately shall issue out of this Court as follows:

(1) Defendant E. Ross Browne's interests in the following:

- (a) Real property located at 27 Waterford Drive, Montville, New Jersey;
- (b) Real property located at 123 Madison Avenue, Madison, New Jersey;
- (c) Real property located at 107 East Shore Drive, Vernon, New York;
- (d) The cash balances on any and all life insurance policies issued by Phoenix Insurance;
- (e) Any and all bank accounts, including any maintained at PNC Bank;
- (f) Any and all rental income from 123 Madison Avenue, Madison, New Jersey;
- (g) Any and all interests in PGB, LLC; and
- (h) Any stock interests in PITTRA G.B. International, LLC.

(2) Defendant Paulette Kremlin's interests in the following:

- (a) Any and all bank accounts, including any maintained at Wachovia Bank;

- (b) Any and all accounts maintained at Smith Barney;
  - (c) Any and all accounts maintained at Commerce Bank;
  - (d) Any and all accounts maintained at Dean Witter;
  - (e) Any and all interests in PGB, LLC;
  - (f) Real property located at 43 Hampshire Drive, Mendham, New Jersey; and
  - (g) Any stock interests in PITTRA G.B. International, LLC.
- (3) Defendant Arthur Kupperman's interests in the following:
- (a) Any and all interests in PGB, LLC;
  - (b) Any and all bank accounts, including any maintained at JP Morgan Chase Bank;
  - (c) Real property located at 43 Hampshire Drive, Mendham, New Jersey; and
  - (d) Any stock interests in PITTRA G.B. International, LLC.
- (4) Defendant PGB International, LLC's interests in the following:
- (a) All personal property maintained at 6 South Street, Morristown, New Jersey or 123 Madison Avenue, Madison, NJ; and
  - (b) Any and all bank accounts, including any maintained at JP Morgan Chase Bank.

The Clerk of Court is directed immediately to issue the Writs of Attachment in the form annexed.

3. **TEMPORARY RESTRAINTS.** IT IS FURTHER ORDERED that pending further Order of this Court, Defendants, their agents, employees, and persons or entities in active concert or participation with them are hereby enjoined and restrained directly or indirectly from:

- A. Selling, transferring, encumbering, hypothecating, or otherwise alienating or impairing defendants' interests in certain real property located at 27 Waterford Drive, Montville, New Jersey, 123 Madison Avenue, Madison, New Jersey; 107 East Shore Drive, Vernon, New York, 43 Hampshire Drive, Mendham, New Jersey, interests in PGB International, LLC, PITTRA G.B. International, Inc. or any other real property or personal property wherever situated in which they have any interests, whether said interests be equitable or legal in nature;
- B. Withdrawing, transferring, spending, encumbering, hypothecating, or otherwise alienating, removing or impairing defendants' interests in any checking, savings, investment, or other banking or security accounts held in their name, either individually or with others, which are maintained anywhere, including but not limited to, any accounts maintained at PNC Bank, Wachovia Bank, Smith Barney, Commerce Bank, Dean Witter, JP Morgan, and Chase.

C. Provided however, that Defendant PGB International, LLC may expend funds in the ordinary and necessary course of its business in arms-length transactions for equivalent value and that the individual Defendants may expend funds for usual household or family expenses, all on the condition that any such expenditures by any defendant be evidenced by appropriate documentation to be retained during the pendency of this action and produced for inspection upon request; and

4. **EXPEDITED DISCOVERY AND INSPECTION OF RECORDS.** Plaintiff is hereby granted the right to expedited and immediate discovery, notwithstanding the usual waiting periods set forth in the applicable rules. Defendants shall appear for deposition at the offices of Plaintiff's counsel and produce to Plaintiff, its attorneys, agents, employees, accountants, investigators, and experts, all documents, books, records, and other materials that Plaintiff may demand upon seven days prior notice. Plaintiff, its attorneys, agents, employees, accountants, investigators, and experts, including auditors, shall also be entitled to inspect PGB International, LLC's offices and review its books, records and computers, including analysis and copying of all hard drives and other digital records at that location (or any other such locations where the books and records are stored) on seven days notice.

5. **SERVICE OF PROCESS.** Pursuant to the Order granting plaintiffs' Motion For Special Appointment To Serve Process entered contemporaneously herewith pursuant to Federal Rule of Civil Procedure 4(c), any of the Writs of Attachment may be executed at Plaintiff's option either by the United States Marshals Service or by a



representative or agent of Bressler, Amery & Ross, P.C., and the latter is hereby appointed immediately to execute the Writs of Attachment by serving same together with this Order To Show Cause and supporting documents upon the Defendants at the following locations or at such other addresses as they may be located:

- A. Arthur Kupperman 43 Hampshire Drive, Mendham, NJ;
- B. Paulette Krelman 43 Hampshire Drive, Mendham, NJ;
- C. E. Ross Browne 27 Waterford Drive, Montville, NJ;
- D. PGB International, LLC, 6 South Street, Morristown, NJ, or 123  
Madison Avenue, Madison, NJ

6. **BRIEFING SCHEDULE.** IT IS FURTHER ORDERED that the parties shall file their briefs and any affidavits, certifications, or declarations on the following schedule:

- A. Defendants' answering papers shall be filed and simultaneously served so as to be actually received by the Court and Plaintiff's counsel on or before October 20, 2006;
- B. Any reply papers by Plaintiff shall be filed and simultaneously served so as to be actually received by the Court and Defendants' counsel on or before October 25, 2006; and
- C. In all instances, service of all papers submitted to this Court in connection with this Order to Show Cause shall be made in such a manner that said papers are delivered to both the Court and counsel so as to be actually received on or before 4:00 p.m. on the dates described above or sent by other means in such a manner

that they are delivered on or before the deadline for hand delivery;

and

7. **MODIFICATION.** IT IS FURTHER ORDERED that defendants may move for the dissolution or modification of any ex parte temporary restraints awarded herein on 2 days notice; and

8. ~~WAIVER OF BOND.~~ IT IS FURTHER ORDERED that Plaintiff shall ~~not~~ be required to post a security bond in this matter. *IN THE AMOUNT OF*  
*\$20,000.00*



Hon.

**Dennis M. Cavanaugh**  
U.S. District Judge

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